



General Assembly

Substitute Bill No. 989

January Session, 2021



* S B 0 0 9 8 9 J U D 0 4 0 9 2 1 *

AN ACT CONCERNING ONLINE HARASSMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-181c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) A person is guilty of stalking in the first degree when such person
4 commits stalking in the second degree as provided in section 53a-181d,
5 as amended by this act, and (1) such person has previously been
6 convicted of a violation of section 53a-181d, as amended by this act, [or]
7 (2) such conduct violates a court order in effect at the time of the offense,
8 [or] (3) such person is twenty-two years of age or older and the other
9 person is under sixteen years of age, or (4) such person intentionally
10 directs such conduct at the other person, in whole or in part, because of
11 the actual or perceived race, religion, ethnicity, disability, sex, sexual
12 orientation or gender identity or expression of such other person.

13 (b) Stalking in the first degree is a class D felony.

14 Sec. 2. Section 53a-181d of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective October 1, 2021*):

16 (a) For the purposes of this section: [, "course of conduct"]

17 (1) "Course of conduct" means two or more acts, including, but not
18 limited to, acts in which a person directly, indirectly or through a third
19 party, by any action, method, device or means, including, but not
20 limited to, electronic or social media, [(1)] (A) follows, lies in wait for,
21 monitors, observes, surveils, threatens, harasses, communicates about
22 or with or sends unwanted gifts to, a person, or [(2)] (B) interferes with
23 a person's property; [, and "emotional distress"]

24 (2) "Emotional distress" means significant mental or psychological
25 suffering or distress that may or may not require medical or other
26 professional treatment or counseling;

27 (3) "Personally identifying information" means:

28 (A) Any information that can be used to distinguish or trace an
29 individual's identity, such as name, prior legal name, alias, mother's
30 maiden name, Social Security number, date or place of birth, address,
31 phone number or biometric data;

32 (B) Any information that is linked or linkable to an individual, such
33 as medical, financial, education, consumer or employment information,
34 data or records; or

35 (C) Any other sensitive private information that is linked or linkable
36 to a specific identifiable individual, such as gender identity, sexual
37 orientation or any sexually intimate visual depiction; and

38 (4) "Serious inconvenience" means that a person significantly
39 modifies the person's actions or routines in an attempt to avoid the actor
40 or because of the actor's conduct. "Serious inconvenience" includes, but
41 is not limited to, changing a telephone number, changing an electronic
42 mail address, deleting or meaningfully changing or significantly
43 decreasing use of the Internet, moving from an established residence,
44 changing daily routines, changing routes to and from place of
45 employment, changing employment or employment schedule or losing
46 time from employment.

47 (b) A person is guilty of stalking in the second degree when:

48 (1) Such person knowingly engages in a course of conduct directed at
49 or concerning a specific person that would cause a reasonable person to
50 (A) fear for such specific person's physical safety or the physical safety
51 of a third person; [or] (B) suffer emotional distress; [or] (C) fear damage
52 or destruction to or tampering with such specific person's property; or
53 (D) fear or injury to or the death of an animal owned by or in possession
54 and control of such specific person;

55 (2) Such person intentionally, and for no legitimate purpose, engages
56 in a course of conduct directed at or concerning a specific person that
57 would cause a reasonable person to fear that such person's employment,
58 business or career is threatened, where (A) such conduct consists of the
59 actor telephoning to, appearing at or initiating communication or
60 contact [at] to such other person's place of employment or business,
61 including electronically, through video-teleconferencing or by digital
62 media, provided the actor was previously and clearly informed to cease
63 such conduct, and (B) such conduct does not consist of constitutionally
64 protected activity; or

65 (3) Such person, for no legitimate purpose and with intent to harass,
66 terrorize or alarm, by means of electronic communication, including,
67 but not limited to, electronic or social media, discloses a specific person's
68 personally identifiable information without consent of the person,
69 knowing, that under the circumstances, such disclosure would cause a
70 reasonable person to:

71 (A) Fear for such person's physical safety or the physical safety of a
72 third person;

73 (B) Fear damage or destruction to or tampering with the property
74 owned by or in possession or control of the person;

75 (C) Suffer emotional distress; or

76 (D) Suffer serious inconvenience.

77 (c) For the purposes of this section, a violation may be deemed to have
78 been committed either at the place where the communication originated
79 or at the place where it was received.

80 [(c)] (d) Stalking in the second degree is a class A misdemeanor.

81 Sec. 3. Section 53a-129e of the general statutes is repealed and the
82 following is substituted in lieu thereof (*Effective October 1, 2021*):

83 (a) A person is guilty of trafficking in personal identifying
84 information when such person sells, gives or otherwise transfers
85 personal identifying information, as defined in section 53a-129a or 53a-
86 181d, as amended by this act, of another person to a third person
87 knowing that such information has been obtained without the
88 authorization of such other person and that such third person intends
89 to use such information for an unlawful purpose, including, but not
90 limited to, a violation of section 53a-181d, as amended by this act.

91 (b) Trafficking in personal identifying information is a class D felony.

92 Sec. 4. (NEW) (*Effective October 1, 2021*) (a) Any person aggrieved by
93 a violation of subdivision (3) of subsection (b) of section 53a-181d of the
94 general statutes, as amended by this act, may bring a civil action in the
95 superior court for the judicial district where such person resides or the
96 judicial district of Hartford against (1) the person or persons who
97 committed such violation, or (2) any person who knowingly benefitted,
98 financially or by receiving anything of value, from participation in
99 activity that such person knew or should have known involved an act
100 in violation of said subdivision, to recover damages and other
101 appropriate relief, including reasonable attorney's fee. The court, on
102 motion of a party, may issue a temporary or permanent injunction in
103 such civil action to prevent the disclosure or continued disclosure of a
104 party's personally identifying information, as defined in section 53a-
105 181d of the general statutes, as amended by this act.

106 (b) An individual who is found liable under this section shall be
107 jointly and severally liable with each other person, if any, who is found

108 liable under this section for damages arising from the same violation.

109 (c) No action shall be brought under this section but within three
110 years from the date of the act complained of.

111 Sec. 5. Section 53a-183 of the general statutes is repealed and the
112 following is substituted in lieu thereof (*Effective October 1, 2021*):

113 (a) A person is guilty of harassment in the second degree when: (1)
114 By telephone [he, addresses another] or any electronic form of
115 communication, the person, with intent to harass, terrorize or alarm
116 another person, addresses such other person in or uses indecent or
117 obscene language; [or] (2) with intent to harass, [annoy] terrorize or
118 alarm another person, [he] such person communicates with a person by
119 telegraph or mail, [by] electronically transmitting a facsimile through
120 connection with a telephone network, [by] electronic mail or text
121 message or any other electronically sent message, whether by digital
122 media account, messaging program or application, or otherwise by
123 computer, computer service or computer network, as defined in section
124 53a-250, or [by] any other form of [written] communication, in a manner
125 likely to cause [annoyance] terror, intimidation or alarm; [or] (3) with
126 intent to harass, [annoy] terrorize or alarm another person, [he] such
127 person makes a telephone call or engages in any other form of
128 communication, whether or not a conversation ensues, in a manner
129 likely to cause annoyance or alarm; or (4) with intent to harass, terrorize
130 or alarm another person, and for no legitimate purpose, such person
131 communicates or shares a photograph, video or words or engages in any
132 other form of communication to a digital, electronic, online or other
133 meeting space, in a manner likely to cause terror, intimidation or alarm.

134 (b) For the purposes of this section, such offense may be deemed to
135 have been committed either at the place where the communication
136 originated or at the place where it was received.

137 (c) The court may order any person convicted under this section to be
138 examined by one or more psychiatrists.

139 (d) Harassment in the second degree is a class C misdemeanor.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2021</i>	53a-181c
Sec. 2	<i>October 1, 2021</i>	53a-181d
Sec. 3	<i>October 1, 2021</i>	53a-129e
Sec. 4	<i>October 1, 2021</i>	New section
Sec. 5	<i>October 1, 2021</i>	53a-183

Statement of Legislative Commissioners:

In Section 3, the new language at the end of subsection (b) was moved to the end of subsection (a) for clarity.

JUD *Joint Favorable Subst.*